



2823\$

AMENDMENT TRANSMITTAL LETTER

Docket No.  
101361-0043

Application No.  
09/884,451-Conf. #1957

Filing Date  
June 19, 2001

Examiner  
Maldonado, Julio J.

Art Unit  
2823

Applicant(s): Robert P. Dolan, Bernhard F. Cordts, III, and Malvin Farley

Invention: SIMOX USING CONTROLLED WATER VAPOR FOR OXYGEN IMPLANTS

TO THE COMMISSIONER FOR PATENTS

Transmitted herewith is an amendment in the above-identified application.

The fee has been calculated and is transmitted as shown below.

| CLAIMS AS AMENDED  |   |   |                                   |         |        |
|--|---|---|-----------------------------------|---------|--------|
|  | Claims<br>Remaining<br>After<br>Amendment | Highest<br>Number<br>Previously<br>Paid | Number<br>Extra Claims<br>Present | Rate    |        |
| Total Claims   | 15  | - 20 =                                  | 0                                 | x 18.00 | 0.00   |
| Independent<br>Claims  | 6   | - 3 =                                   | 3                                 | x 84.00 | 252.00 |
| Multiple Dependent Claims (check if applicable) <input type="checkbox"/> |   |   |                                   |         |        |
| Other fee (please specify):  |   |   |                                   |         |        |
| TOTAL ADDITIONAL FEE FOR THIS AMENDMENT:                                 |   |   |                                   |         | 252.00 |

☐ Large Entity

☒ Small Entity

☒ No additional fee is required for this amendment.

☐ Please charge Deposit Account No. \_\_\_\_\_ in the amount \_\_\_\_\_  
A duplicate copy of this sheet is enclosed.

☒ A check in the amount of \$ 252.00 to cover the filing fee is enclosed.

☐ Payment by credit card. Form PTO-2038 is attached.

☒ The Director is hereby authorized to charge and credit Deposit Account 141449  
as described below. A duplicate copy of this sheet is enclosed.

☒ Credit any overpayment.

☒ Charge any additional filing or application processing fees required under 37 CFR 1.16 and

Reza Mollaaghababa  
Attorney Reg. No.: 43,810

Dated: June 26, 2003

NUTTER MCCLENNEN & FISH LLP  
World Trade Center West  
155 Seaport Boulevard  
Boston, Massachusetts 02210-2604  
(617) 439-2000

Amendment Transmittal

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: MS Fee Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: June 26, 2003

Signature: (Reza Mollaaghababa)

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PTO/SB/17 (11-00)

Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

# FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

## Complete if Known

|                      |                  |
|----------------------|------------------|
| Application Number   | 09/884,451       |
| Filing Date          | June 19, 2001    |
| First Named Inventor | Robert P. Dolan  |
| Examiner Name        | Maldonado, Julio |
| Group Art Unit       | 2823             |
| Attorney Docket No.  | 101316-43        |

TOTAL AMOUNT OF PAYMENT (\$ 252.00

## METHOD OF PAYMENT

1. ☐ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number 141449

Deposit Account Name

☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

☒ Applicant claims small entity status. See 37 CFR 1.27

2. ☒ Payment Enclosed

☒ Check ☐ Credit Card ☐ Money Order ☐ Other

## FEE CALCULATION

### 1. BASIC FILING FEE

| Large Entity Fee Code | Large Entity Fee (\$) | Small Entity Fee Code | Small Entity Fee (\$) | Fee Description        | Fee Paid |
|-----------------------|-----------------------|-----------------------|-----------------------|------------------------|----------|
| 101                   | 710                   | 201                   | 355                   | Utility filing fee     |          |
| 106                   | 320                   | 206                   | 160                   | Design filing fee      |          |
| 107                   | 490                   | 207                   | 245                   | Plant filing fee       |          |
| 108                   | 710                   | 208                   | 355                   | Reissue filing fee     |          |
| 114                   | 150                   | 214                   | 75                    | Provisional filing fee |          |

SUBTOTAL (1) (\$)

### 2. EXTRA CLAIM FEES

| Total Claims       | Extra Claims | Fee from below | Fee Paid       |
|--------------------|--------------|----------------|----------------|
| 15                 | -20** = 1    | 18.00          | 0.00           |
| Independent Claims | 6            | -3** = 3       | 84.00 = 252.00 |
| Multiple Dependent |              |                |                |

| Large Entity Fee Code | Large Entity Fee (\$) | Small Entity Fee Code | Small Entity Fee (\$) | Fee Description  |
|-----------------------|-----------------------|-----------------------|-----------------------|--|
| 103                   | 18                    | 203                   | 9                     | Claims in excess of 20                                     |
| 102                   | 80                    | 202                   | 40                    | Independent claims in excess of 3                          |
| 104                   | 270                   | 204                   | 135                   | Multiple dependent claim, if not paid                      |
| 109                   | 80                    | 209                   | 40                    | ** Reissue independent claims over original patent         |
| 110                   | 18                    | 210                   | 9                     | ** Reissue claims in excess of 20 and over original patent |

SUBTOTAL (2) (\$ 252.00

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

| Large Entity Fee Code | Large Entity Fee (\$) | Small Entity Fee Code | Small Entity Fee (\$) | Fee Description  | Fee Paid |
|-----------------------|-----------------------|-----------------------|-----------------------|--|----------|
| 105                   | 130                   | 205                   | 65                    | Surcharge - late filing fee or oath  |          |
| 127                   | 50                    | 227                   | 25                    | Surcharge - late provisional filing fee or cover sheet.                    |          |
| 139                   | 130                   | 139                   | 130                   | Non-English specification  |          |
| 147                   | 2,520                 | 147                   | 2,520                 | For filing a request for ex parte reexamination                            |          |
| 112                   | 920*                  | 112                   | 920*                  | Requesting publication of SIR prior to Examiner action                     |          |
| 113                   | 1,840*                | 113                   | 1,840*                | Requesting publication of SIR after Examiner action                        |          |
| 115                   | 110                   | 215                   | 55                    | Extension for reply within first month                                     |          |
| 116                   | 390                   | 216                   | 195                   | Extension for reply within second month                                    |          |
| 117                   | 890                   | 217                   | 445                   | Extension for reply within third month                                     |          |
| 118                   | 1,390                 | 218                   | 695                   | Extension for reply within fourth month                                    |          |
| 128                   | 1,890                 | 228                   | 945                   | Extension for reply within fifth month                                     |          |
| 119                   | 310                   | 219                   | 155                   | Notice of Appeal   |          |
| 120                   | 310                   | 220                   | 155                   | Filing a brief in support of an appeal                                     |          |
| 121                   | 270                   | 221                   | 135                   | Request for oral hearing   |          |
| 138                   | 1,510                 | 138                   | 1,510                 | Petition to institute a public use proceeding                              |          |
| 140                   | 110                   | 240                   | 55                    | Petition to revive - unavoidable   |          |
| 141                   | 1,240                 | 241                   | 620                   | Petition to revive - unintentional   |          |
| 142                   | 1,240                 | 242                   | 620                   | Utility issue fee (or reissue)   |          |
| 143                   | 440                   | 243                   | 220                   | Design issue fee   |          |
| 144                   | 600                   | 244                   | 300                   | Plant issue fee  |          |
| 122                   | 130                   | 122                   | 130                   | Petitions to the Commissioner  |          |
| 123                   | 50                    | 123                   | 50                    | Processing fee under 37 CFR 1.17(q)  |          |
| 126                   | 180                   | 126                   | 180                   | Submission of Information Disclosure Statement                             |          |
| 581                   | 40                    | 581                   | 40                    | Recording each patent assignment per property (times number of properties) |          |
| 146                   | 710                   | 246                   | 355                   | Filing a submission after final rejection (37 CFR 1.129(a))                |          |
| 149                   | 710                   | 249                   | 355                   | For each additional invention to be examined (37CFR 1.129(b))              |          |
| 179                   | 710                   | 279                   | 355                   | Request for Continued Examination (RCE)                                    |          |
| 169                   | 900                   | 169                   | 900                   | Request for expedited examination of a design application                  |          |

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

## SUBMITTED BY

Name (print/type) Reza Mollaaghababa

Signature

Registration No. (Attorney/Agent)

43,810

## Complete (if applicable)

Telephone (617) 439-2514

Date

June 26, 2003

## Fee Transmittal

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(Reza Mollaaghababa)

Docket No.: 101361-0043  
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:  
Robert P. Dolan, et al

Application No.: 09/884,451

Group Art Unit: 2823

Filed: June 19, 2001

Examiner: Julio J. Maldonado

For: SIMOX USING CONTROLLED WATER  
VAPOR FOR OXYGEN IMPLANTS

13/c Amdd  
7-11-03  
A. Well

RESPONSE

Box Fee Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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Dear Sir:

In response to the Office Action mailed from the United States Patent and Trademark Office on March 28, 2003, Applicants provide the following amendments and remarks to place the application in condition for allowance.

REMARKS

Claims 1-13 are pending in this application. Claims 1 and 2 are amended, allowable claim 10 is rewritten as an independent claim to include the features of claims 8 and 1 on which it depends, and new claims 20-25 are added. Further, claims 3-5 are canceled without prejudice. The subject matter of these claims is incorporated in the new claims. Claims 14-19, which were previously withdrawn in the previous Office Action from consideration as being directed to an invention that is independent or distinct from the invention recited in the remaining claims, are canceled. Hence, claims 1, 2, 6-13 and 20-25 are presently pending for examination. Support for the amendments and the new claims can be found in the original claims and throughout the